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FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUN 09 2004  
at 10 o'clock and 17 min M  
WALTER A. Y. H. CHINN, CLERK

Attorneys for Plaintiff  
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00205 SOM
	)	
Plaintiff,	)	SUPERSEDING INDICTMENT
	)	
vs.	)	18 U.S.C. § 1344
	)	
NELIA GARCIA,	)	
	)	
Defendant.	)	
	)	

SUPERSEDING INDICTMENT

COUNTS 1-83

The Grand Jury charges:

Introduction

1. At all times material to the Indictment,

Territorial Savings Bank ("TSB") was a "financial institution" as defined in Title 18, United States Code, Section 20.

2. At all times material to the Indictment, NELIA GARCIA was employed by TSB as a Branch Operations Supervisor in the Branch Operations Department or an Accounts Payable Representative in the Accounting Department in the TSB Corporate Office located in Honolulu, Hawaii.

3. As a Branch Operations Supervisor, from on or about August 2, 1999, to on or about October 24, 2003, NELIA GARCIA had direct access to the TSB general ledger account as well as all TSB customer accounts and had the authorization to credit and debit the TSB general ledger account and customer accounts. As an Accounts Payable Representative, from on or about October 27, 2003, to on or about January 6, 2004, NELIA GARCIA had direct access to the TSB general ledger account and had the authorization to credit and debit the TSB general ledger account.

The Scheme to Defraud

4. From on or about August 16, 2001, to on or about October 24, 2003, in the District of Hawaii, NELIA GARCIA, knowingly executed and attempted to execute a scheme and artifice to defraud Territorial Savings Bank and to obtain any of the moneys and funds owned by, and under the custody and control of Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, as more

fully set forth below.

5. It was part of the scheme and artifice to defraud Territorial Savings Bank and to obtain any of the moneys and funds owned by, and under the custody and control of Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, that NELIA GARCIA, among other things, did the following:

a. Used her supervisory position in the Branch Operations Department to debit money from the TSB general ledger account and deposit the money into her TSB account and the TSB accounts of others identified herein as CJ, CG, and MR for her own benefit and the benefit of others.

b. Withdrew the money that she deposited into her TSB account and the TSB accounts of others and used the money for her own benefit and the benefit of others.

c. Concealed the unauthorized debits from the TSB general ledger account by debiting multiple TSB general ledger branch sub-accounts thereby ensuring that the debit amounts for each branch were relatively small in order to avoid scrutiny.

Execution of the Scheme to Defraud

6. For the purpose of executing the scheme and artifice to defraud Territorial Savings Bank and to obtain any of the moneys, funds, credits, assets, securities, and other

property owned by, and under the custody and control of Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, NELIA GARCIA, executed and caused the scheme to be executed by transferring money from the Territorial Savings Bank general ledger account into her TSB account and the TSB accounts of others on approximately 83 occasions and subsequently utilized these funds totaling approximately \$36,736 for her own benefit and the benefit of others as set forth below:

<u>Count</u>	<u>Date</u>	<u>Amount</u>	<u>Account Credited</u>	<u>Account Holder</u>
1	08/16/01	\$105.00	3463684	CJ
2	09/10/01	\$ 45.00	4001912098	Nelia Garcia
3	09/12/01	\$ 10.00	3463684	CJ
4	09/17/01	\$ 15.00	4001912098	Nelia Garcia
5	10/15/01	\$210.00	4001564020	MR
6	11/08/01	\$ 90.00	4001912098	Nelia Garcia
7	01/24/02	\$ 60.00	3463684	CJ
8	03/21/02	\$ 75.00	3463684	CJ
9	04/23/02	\$ 90.00	3463684	CJ
10	05/15/02	\$135.00	4001912098	Nelia Garcia
11	06/05/02	\$225.00	4001990318	Nelia Garcia
12	06/12/02	\$ 45.00	4001946781	CG
13	06/14/02	\$ 75.00	3463684	CJ
14	07/02/02	\$ 60.00	4001564020	MR
15	07/08/02	\$210.00	3338373	CJ
16	08/05/02	\$300.00	4001946781	CG
17	08/06/02	\$ 90.00	4001916781	CG
18	08/15/02	\$150.00	3463684	CJ
19	08/15/02	\$ 30.00	4001946781	CG
20	09/05/02	\$765.00	4001946781	CG
21	09/11/02	\$120.00	4001946781	CG
22	09/16/02	\$120.00	4001946781	CG
23	09/20/02	\$315.00	4001946781	CG
24	09/24/02	\$540.00	4001643781	CG
25	10/02/02	\$225.00	4001946781	CG
26	10/04/02	\$210.00	4001946781	CG

<u>Count</u>	<u>Date</u>	<u>Amount</u>	<u>Account Credited</u>	<u>Account Holder</u>
27	10/16/02	\$ 140.65	4001946781	CG
28	10/16/02	\$ 549.35	3463684	CJ
29	10/21/02	\$ 210.00	4001912098	Nelia Garcia
30	10/30/02	\$ 840.00	4001946781	CG
31	11/08/02	\$ 360.00	4001946781	CG
32	11/18/02	\$ 525.00	4001946781	CG
33	11/22/02	\$ 300.00	4001912098	Nelia Garcia
34	12/02/02	\$ 510.00	4001946781	CG
35	12/10/02	\$ 210.00	4001946781	CG
36	12/20/02	\$ 120.00	4001990318	Nelia Garcia
37	12/30/02	\$ 360.00	4001990318	Nelia Garcia
38	01/06/03	\$ 375.00	4001990318	Nelia Garcia
39	01/14/03	\$ 300.00	4001990318	Nelia Garcia
40	01/21/03	\$ 300.00	4001912098	Nelia Garcia
41	01/24/03	\$ 300.00	4001990318	Nelia Garcia
42	01/30/03	\$ 150.00	4001990318	Nelia Garcia
43	01/30/03	\$ 150.00	4001912098	Nelia Garcia
44	02/05/03	\$ 540.00	4001990318	Nelia Garcia
45	02/13/03	\$ 495.00	4001946781	CG
46	02/14/03	\$1050.00	4001902776	MR
47	02/25/03	\$1470.00	4001946781	CG
48	02/27/03	\$ 675.00	4001946781	CG
49	03/05/03	\$ 450.00	4001946781	CG
50	03/06/03	\$ 525.00	4001946781	CG
51	03/24/03	\$1785.00	4001946781	CG
52	03/27/03	\$1055.00	4001946781	CG
53	04/01/03	\$ 240.00	4001946781	CG
54	04/11/03	\$ 525.00	4001946781	CG
55	04/21/03	\$ 735.00	4001946781	CG
56	04/28/03	\$1045.00	4001990318	Nelia Garcia
57	05/02/03	\$ 240.00	4001946781	CG
58	05/05/03	\$1140.00	4001946781	CG
59	05/09/03	\$ 315.00	4001990318	Nelia Garcia
60	05/15/03	\$ 300.00	4001946781	CG
61	05/19/03	\$ 630.00	4001946781	CG
62	05/22/03	\$ 240.00	4001946781	CG
63	05/28/03	\$ 300.00	4001912098	Nelia Garcia
64	06/03/03	\$ 225.00	4001946781	CG
65	06/04/03	\$1045.00	4001946781	CG
66	06/12/03	\$ 525.00	4001946781	CG
67	06/24/03	\$ 405.00	4001946781	CG
68	06/25/03	\$ 240.00	4001946781	CG
69	07/17/03	\$ 760.00	4001946781	CG
70	07/25/03	\$ 760.00	4001946781	CG

<u>Count</u>	<u>Date</u>	<u>Amount</u>	<u>Account Credited</u>	<u>Account Holder</u>
71	07/30/03	\$ 475.00	4001946781	CG
72	08/04/03	\$ 855.00	4001946781	CG
73	08/05/03	\$ 945.00	4001990318	Nelia Garcia
74	08/22/03	\$ 665.00	4001946781	CG
75	08/29/03	\$ 735.00	4001946781	CG
76	09/05/03	\$ 300.00	4001990318	Nelia Garcia
77	09/12/03	\$ 780.00	4001946781	CG
78	09/24/03	\$ 525.00	4001946781	CG
79	09/26/03	\$1785.00	4001990318	Nelia Garcia
80	09/29/03	\$ 525.00	4001946781	CG
81	10/06/03	\$ 300.00	4001946781	CG
82	10/14/03	\$ 540.00	4001946781	CG
83	10/24/03	\$ 576.00	4001946781	CG

In violation of Title 18, United States Code, Section 1344.

COUNT 84

The Grand Jury further charges:

7. Paragraphs 1 through 3 of this Indictment are re-alleged as if fully set forth herein.

The Scheme to Defraud

8. On or about December 5, 2003, in the District of Hawaii, NELIA GARCIA, knowingly executed and attempted to execute a scheme and artifice to defraud Territorial Savings Bank and to obtain any of the moneys and funds owned by, and under the custody and control of Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, as more fully set forth below.

9. It was part of the scheme and artifice to defraud

Territorial Savings Bank and to obtain any of the moneys and funds owned by, and under the custody and control of Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, that NELIA GARCIA, among other things, did the following:

a. Used her position in the Accounts Payable Department to debit money from the TSB general ledger account to issue a cashier's check made payable to a business identified herein as NF.

b. Negotiated the TSB cashier's check to NF for her own benefit and the benefit of others.

c. Concealed the unauthorized debit from the TSB general ledger account by debiting multiple TSB general ledger branch sub-accounts thereby ensuring that the debit amounts for each branch were relatively small in order to avoid scrutiny.

d. Further concealed the unauthorized debit from the TSB general ledger account by deleting, withholding, or destroying related documentation.

Execution of the Scheme to Defraud

10. For the purpose of executing the scheme and artifice to defraud Territorial Savings Bank and to obtain any of the moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of

Territorial Savings Bank, by means of material false or fraudulent pretenses, representations, and promises, NELIA GARCIA, executed and caused the scheme to be executed, on or about December 5, 2003, by transferring money from the Territorial Savings Bank general ledger account and issuing a cashier's check in the amount of \$4,252 which she subsequently negotiated and utilized for her own benefit and the benefit of others.

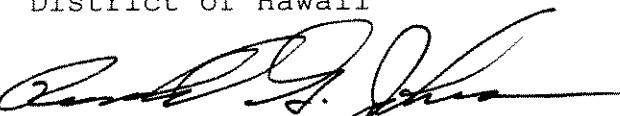
In violation of Title 18, United States Code, Section 1344.

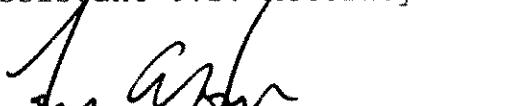
DATED: JUN 09 2004, 2004, at Honolulu, Hawaii.

A TRUE BILL

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FOREPERSON, GRAND JURY

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United States v. Nelia Garcia  
Cr. No. 04-00205 SOM  
"Superseding Indictment"